

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PRECISION ASSOCIATES, INC., et al.,

Plaintiffs,

v.

PANALPINA WORLD TRANSPORT
(HOLDING) LTD., et al.,

Defendants.

Case No.: 08-0042 (JG)(VVP)

**NOTICE OF MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

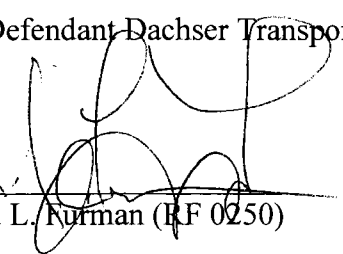
PLEASE TAKE NOTICE that on a date and at a time to be set by this Honorable Court, the undersigned counsel for Defendant, Dachser Transport of America, Inc. ("Defendant"), shall move before the Honorable John Gleeson in the United States District Court for the Eastern District of New York, for an order granting Defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Dismiss, Defendant shall rely on Defendant's Brief in Support of its Motion and the Omnibus Brief filed by Defendants in Support of their Omnibus Motion to Dismiss. A proposed form of order is submitted.

Defendant requests oral argument.

CARROLL McNULTY & KULL LLC

Attorneys for Defendant Dachser Transport
America, Inc.

By: 
Richard L. Furman (RF 0250)

Dated: November 12, 2009